UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte STEPHEN F. LINDER and CRAID H. MALLERY

Appeal No. 2006-2956
Application No. 08/878,978

ON BRIEF

Before JERRY SMITH, RUGGIERO, and MACDONALD, Administrative Patent Judges.

MACDONALD, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-5 and 8-9. Claims 6-7 and 10 have been canceled.

Invention

Appellants' invention relates to a method and system for processing image data. This system includes a first parser circuit to parse the object oriented image data into non-neutral color image data and neutral color image data, a second parser circuit to parse the neutral color image data into black color image data, grey color image, and white color image data, and neutral color processing circuit to process the black color image data, grey color image data, and the white color image data.

Another aspect of the present invention is a method for processing object oriented image data. This method parses the object oriented image data into non-neutral color image data and neutral color image data, parses the neutral color image data into black color image data, grey color image data, and white color image data, processes the black color image data, the grey color image data, and the white color image data; and processes the process black color image data, process grey color image data, the process white color image data, and the non-neutral color image data.

A third aspect is system for processing object oriented image data. The system includes parsing means for parsing the object oriented image data into non-neutral image data and neutral image data; neutral rendering transform means for transforming a color and a colorspace of the neutral image; and image processing menas for processing the transformed neutral image data and the parsed non-neutral image data. Appellants' specification at page 5, line 21 through page 6, line 18.

Claim 1 is representative of the claimed invention and is reproduced as follows:

1. A system for processing object-oriented image data, wherein object-oriented image data comprises image data pertaining to an image object, comprising:

a first parser circuit for parsing the object-oriented image data into non-neutral object oriented image data and neutral object-oriented image data;

a second parser circuit for parsing the neutral object-oriented image data into black object-oriented image data, grey object-oriented image data, and white object-oriented image data; and;

a neutral color processing circuit for processing the black object-oriented image data, the grey object-oriented image data, and the white object-oriented image data, whereby the image object's neutral object-oriented image data is processed separately from the object's non-neutral object-oriented image data.

References

The references relied on by the Examiner are as follows:

Matsunawa	4,783,838	Nov. 8, 1988
Robinson	5,774,721	June 30, 1998
Ueda et al. (Ueda)	6,008,812	Dec. 28, 1999

Rejections At Issue

Claims 1-5 and 8-9 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 3-5 and 8-9 stand rejected under 35 U.S.C. § 103 as being obvious over the combination of Ueda and Matsunawa.

Claim 2 stands rejected under 35 U.S.C. § 103 as being obvious over the combination of Ueda, Matsunawa, and Robinson.

Throughout our opinion, we make references to the Appellants' briefs, and to the Examiner's Answer for the respective details thereof.[1]

OPINION

With full consideration being given to the subject matter on appeal, the Examiner's rejections and the arguments of the Appellants and the Examiner, for the reasons stated infra, we reverse the Examiner's rejection of claims 1-5 and 8-9 under 35 U.S.C. § 112; and we reverse the Examiner's rejection of claims 1-5 and 8-9 under 35 U.S.C. § 103.

Appellants have indicated that for purposes of this appeal the claims stand or fall together. See page 4 of the brief.

I. Whether the Rejection of Claims 1-5 and 8-9 Under 35 U.S.C. § 112 is proper?

It is our view, after consideration of the record before us, that the Examiner's rejection on its face fails to set forth a proper rejection under 35 U.S.C. § 112, first paragraph.

The Examiner concludes without further explanation that the terms "non-neutral object-oriented image data, black object-oriented image data, grey object-oriented image data, and white object-oriented image data, was (sic) not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." We find this conclusion to be baseless given

[1] Appellants filed an appeal brief on March 28, 2002, fully replacing the brief filed October 12, 2001. Appellants filed a supplemental brief on September 28, 2004. The Examiner mailed an Examiner's Answer on June 17, 2002, and a supplemental answer on September 9, 2004.

the description at pages 5-6 of Appellants' specification. This description is more than sufficient to show possession.

The Examiner also concludes without explanation that "[I]t is unclear whether the non-neutral object-oriented image data, black object-oriented image data, grey object-oriented image data, and white object-oriented image data are referring to the image that is created by using object oriented programming, or that the image data would be processed according [to] a particular object." The Examiner's conclusion fails to set forth any basis for a rejection under 35 U.S.C. § 112, first paragraph. This is particularly so given that lack of clarity rejections are not based on this paragraph of the statute.

Accordingly, we reverse the Examiner's rejection under 35 U.S.C. § 112, first paragraph.

II. Whether the Rejection of Claims 1, 3-5 and 8-9 Under 35 U.S.C. § 103 is proper?

It is our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would not have suggested to one of ordinary skill in the art the invention as set forth in claims 1, 3-5 and 8-9. Accordingly, we reverse.

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a prima facie case of obviousness. In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). See also In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). The Examiner can satisfy this burden by showing that some objective teaching in the prior art or knowledge generally available to one of ordinary skill in the art suggests the claimed subject matter. In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

Only if this initial burden is met does the burden of coming forward with evidence or argument shift to the Appellants. Oetiker, 977 F.2d at 1445, 24 USPQ2d at 1444. See also Piasecki, 745 F.2d at 1472, 223 USPQ at 788.

An obviousness analysis commences with a review and consideration of all the pertinent evidence and arguments. "In reviewing the [E]xaminer's decision on appeal, the Board must necessarily weigh all of the evidence and argument." Oetiker, 977 F.2d at 1445, 24 USPQ2d at 1444. "[T]he Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion." In re Lee, 277 F.3d 1338, 1344, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002).

With respect to independent claim 1, Appellants argue at page 5 of the brief, that Ueda fails to teach "parsing" as claimed. We agree.

Despite the Examiner's efforts to show that Ueda's "categorizing" is the same as the claimed "parsing" (page 3 of the supplemental answer), the effort fails. At best, the Examiner's position at the last two sentences of page 3 is that categorizing "could mean" something that "could be" relevant. The issue before us is not what could be, but rather, what is. The Examiner has not shown that Ueda's categorizing is in fact "parsing" as required by claim 1.

Therefore, we will not sustain the Examiner's rejection under 35 U.S.C. § 103.

III. Whether the Rejection of Claim 2 Under 35 U.S.C. § 103 is proper?

It is our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would not have suggested to one of ordinary skill in the art the invention as set forth in claim 2. Accordingly, we reverse.

With respect to dependent claim 2, we note that the Examiner has relied on the Robinson reference solely to teach "different processors to perform different tasks" [answer, page 7]. The Ueda and Maysunawa references in combination with the Robinson reference fails to cure the deficiencies of Ueda and Maysunawa references noted above with respect to claim 1. Therefore, we will not sustain the Examiner's rejection under 35 U.S.C. § 103 for the same reasons as set forth above.

Conclusion

In view of the foregoing discussion, we have not sustained the rejection under 35 U.S.C. § 112 of claims 1-5 and 8-9; and we have not sustained the rejection under 35 U.S.C. § 103 of claims 1-5 and 8-9.

REVERSED

JERRY SMITH)
Administrative Patent Judge)
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JOSEPH F. RUGGIERO) BOARD OF PATENT
Administrative Patent Judge) APPEALS AND
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